

1 Tony H. Ashtiani  
P.O.Box 12723  
2 Tamuning Guam 96931  
671-688-4844  
3 671-653-5575

4  
5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF GUAM  
7

8  
9 Tony H. Ashtiani, )  
Plaintiff, ) Civil Case No.: 02-00032  
10 Vs. )  
11 "DISAGREEMENT OF HEARING ON  
Continental Micronesia Inc, ) MOTION TO STRIKE"  
12 Db, Continental Micronesia, ) LOCAL RULE 7.1  
13 Continental Airlines, )  
14 Defendant. )  
15  
16

17  
18 Pursuant to Local Rule 7.1,  
19

20 1. I am Tony H. Ashtiani, pro se Plaintiff, in the above-  
21 entitled action. I contacted the attorney for the opposing party  
22 in this action to agree upon a date for oral argument of my  
23 Motion to strike, initially defendant declined my request On  
24 December 30, 2003, (herewith attached), defendant thereon after  
25 filed several other Motions to strike.

1       2. The attorneys for opposing parties are Ms. Elyze McDonald  
2 Esq,. and Mr. David Ledger Esq,. from CARLSMITH BALL LLP.  
3

4       3. I initially agreed to have hearing on Feb 06, 2004 then  
5 defendant changed it to Feb 13, 2004. However, I have changed my  
6 position and requesting to rest on my briefs and pleadings.  
7

8       4. Plaintiff's correspondence expressing reasons for  
9 disagreeing to have such meeting also herewith attached.  
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11       5. I Humbly ask the Court to allow me to rest on my pleadings  
12 and briefs as both parties exhibits speaks for themselves and I  
13 have explained defendants exhibits and their "SHAM" affidavits.  
14

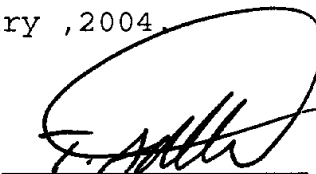
15       6. The exhibits by defendant are mentally abusive, and  
16 upsetting and I have endured enough of their abuse for many  
17 years.  
18

19       7. Defendant continuously keeps piling up Motions and Hearing  
20 near preparation for trial to harass plaintiff and to prevent  
21 his timely filings. I will be more than happy to attend a  
22 hearing if Honorable Chief Judge John S. Unpingco sees fit  
23 necessary for hearing.  
24  
25

1 8. I did inform Ms. McDonald on January 19, 2004 that I have  
2 several out of service cars which I was bringing them back up  
3 and that I was swamped (one man operation), Plaintiff did not  
4 ignore Ms. McDonald calls as she did not leave any messages for  
5 me to return her call as my phone is equipped with answering  
6 machine and it is difficult to change a engine and replace fuel  
7 tank and talk on the phone, I knew she was in search of  
8 harassing me over and over again as evident she has brought a  
9 sanction under Rule 11 against pro se plaintiff on January 21,  
10 2004.

11  
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13  
14 **Respectfully Submitted,**

15  
16 Dated : This 22<sup>nd</sup> day of January ,2004.

17  
18 

19 Tony H. Ashtiani, Pro Se  
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23  
24  
25

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RECEIVED  
**CARLSMITH BALL**  
Date: 1/21/04  
11:20 AM

January 21, 2004

**CARLSMITH BALL LLP**  
Ms. Elyze McDonald  
Bank of Hawaii Bldg., Suite 401  
134 West Soledad Avenue  
Hagatna, Guam 96932-5027

**Re: Hearing on Motion to Strike**

**In District Court of Guam CV. 02-00032**

Dear Attorney Ms. McDonald and Attorney Mr. Ledger.

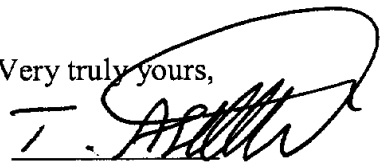
Thank you for your letter dated December 30<sup>th</sup> 2003, for your convenience I have attached it to my correspondence. I was very please to hear from you on January 16 and 19, 2004, via telephone in which defendant persisting to request for hearing in reference to Motion to Strike.

Although, On January 19, 2004, initially I had agreed to February 13, 2004, I have come to conclusion to disagree to have any hearing regarding this matter for the forgoing reasons:

- 1) Federal Rule of Civ P. (Rule 12) is silent about hearing.
- 2) Defendant's exhibits is unworthy of belief and speaks for themselves.

If Honorable Chief Judge John S. Unpingco of United States District Court sees fit necessary for hearing, I will be more than happy to attend such hearing.

Very truly yours,

  
Tony H. Ashtiani

# CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

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T. Ashtiani  
Dec. 30, 2003  
1700

DIRECT DIAL NO.

EMCDONALD@CARLSMITH.COM

December 30, 2003

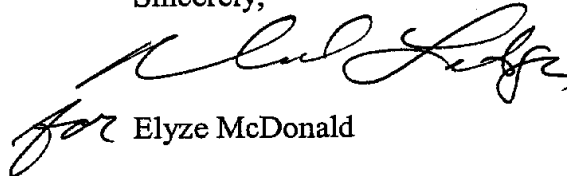
Mr. Tony H. Ashtiani  
Post Office Box 12723  
Tamuning, Guam 96931

Re: Tony Ashtiani v. Continental Airlines, Inc.  
Civil Case No. CV02-0032

Dear Mr. Ashtiani:

As you will have noticed from Continental's response to your Cross-Motion to Strike, Continental believes your Cross-Motion was not timely filed. Continental declines to agree to any hearing date on a Motion that has not been timely filed.

Sincerely,

  
for Elyze McDonald

EJM/jmc  
4822-6908-6720.1.013280-00079